

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSE TRUJILLO,
Plaintiff,

v.

BALDEMIRO DIAZ, et al.,
Defendants.

Case No.18-cv-02399-VKD

ORDER TO SHOW CAUSE

Re: Dkt. Nos. 14, 15

The Court having been informed that the parties have conditionally agreed to a settlement, all previously scheduled deadlines and appearances are VACATED.

On or before **August 31, 2018**, the parties shall file a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(i). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendants have not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because defendant Baldemiro Diaz has not yet answered the complaint, but defendant Mgyungok Cha Gerth has filed an answer (Dkt. No. 11), Mr. Trujillo must file a stipulation of dismissal signed by all parties pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

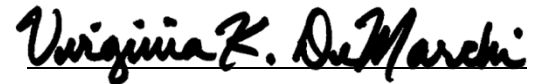
If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom 2, 5th Floor, 280 S. 1st St, San Jose, California on **September 11, 2018, 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a).

Additionally, the parties shall file a statement in response to this Order to Show Cause no later than **September 4, 2018** advising as to (1) the status of the activities of the parties in finalizing settlement; and (2) how much additional time, if any, is requested to finalize the settlement and

1 file the dismissal. If a dismissal is filed as ordered, the Order to Show Cause hearing will be
2 automatically vacated and the parties need not file a statement in response to this Order.

3 **IT IS SO ORDERED.**

4 Dated: July 25, 2018

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7 VIRGINIA K. DEMARCHI
8 United States Magistrate Judge
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